

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Consolidated 04-12260-GAO
Civil Action Nos. 04-12397-GAO

| | | |
|---|---|--|
| GREAT AMERICAN ALLIANCE INSURANCE COMPANY, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| v. |) | |
| |) | |
| RISO, INC., |) | |
| |) | |
| Defendant. |) | |
| RISO, INC., |) | |
| |) | |
| Plaintiff, |) | |
| v. |) | |
| |) | |
| GREAT AMERICAN INSURANCE COMPANY, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

JOINT MOTION TO AMEND SCHEDULING ORDER

All parties to the above referenced consolidated actions hereby jointly move the Court to enter the accompanying proposed Order, modifying the schedule relating to the Phase One Issue established by the Court during the initial scheduling conference held on April 4, 2005 and recorded in electronic clerk's notes entered on April 5, 2005. The modification would grant the parties approximately thirty (30) additional days to complete fact discovery regarding the Phase One Issue and to file and oppose motions summary judgment relating to the Phase One Issue.

The parties are actively engaged in discovery. Since the initial scheduling conference, the plaintiffs in the first captioned action ("Great American") have responded to interrogatories and requests for production served by RISO, Inc. ("Riso") and recently shipped to Riso's counsel the documents they agreed to produce. Great American is in the process of preparing a privilege

log for responsive documents it has declined to produce based upon claims of privilege. Great American also has served interrogatories and requests for production, as well as requests for admissions, upon Riso, and Riso is in the process of preparing responses. While the parties continue to contemplate that only limited discovery will be required to prepare for the exchange of summary judgment motions on the Phase One Issue, they desire a modest extension of the existing schedule to complete the exchange of documents and paper discovery.

The following chart depicts the proposed extensions in relation to the existing schedule:

| Event | Existing Order | Requested Change |
|------------------------------------|----------------|-------------------|
| Phase One Discovery Closes | June 16, 2005 | July 18, 2005 |
| Motions for Summary Judgment Filed | July 19, 2005 | August 18, 2005 |
| Summary Judgment Oppositions Filed | August 9, 2005 | September 8, 2005 |

Respectfully submitted,

RISO, Inc.

GREAT AMERICAN ALLIANCE INSURANCE COMPANY, GREAT AMERICAN ASSURANCE COMPANY, GREAT AMERICAN INSURANCE COMPANY and GREAT AMERICAN INSURANCE COMPANY OF NEW YORK

By their attorneys,

/s/ A. Hugh Scott

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